

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMERICAN AESTETICS MED SPA,
LLC, et al.,

Plaintiffs,

V.

JAMES H. CUNNINGHAM
INSURANCE AGENCY, INC., et al.,

Defendants.

C14-1677 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) The motion to remand proceedings to Snohomish County Superior Court filed by Plaintiffs on November 26, 2014, docket no. 14, is GRANTED. The Defendants bear the burden of establishing the removal is proper. *See Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (1992). Defendants have not produced sufficient evidence to determine whether the parties are completely diverse. Specifically, Defendants have failed to provide evidence regarding the citizenship of the owners, partners, or members of each of the unincorporated associations that is a member of the syndicates named in the complaint—evidence that is required for this Court to assert diversity jurisdiction. *See Carden v. Arkoma Associates*, 494 U.S. 185, 195 (1990); *see also Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 F. App'x. 62, 64 (9th Cir. 2011). The Defendants have had ample opportunity to provide this evidence, and without it, have not met their burden. This case is hereby REMANDED to Snohomish County Superior Court.

(2) The Court declines to award plaintiffs any costs or attorney's fees as a result of removal. *See* 28 U.S.C. § 1447(c).

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Dated this 21st day of January, 2015.

William M. McCool
Clerk

s/Claudia Hawney
Deputy Clerk